

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

January 12, 2009

No. 08-51159

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

CHARMAINE D WHEELER

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:03-CR-304

Before HIGGINBOTHAM, ELROD, and HAYNES, Circuit Judges.

PER CURIAM:*

The defendant in this criminal prosecution was convicted of possession with intent to distribute cocaine. This court dismissed her direct appeal for lack of jurisdiction. *United States v. Wheeler*, No. 04-50987 (5th Cir. November 3, 2004). She then filed a motion to vacate her sentence, which the district court denied on July 21, 2005. No appeal was taken. On April 17, 2007, she filed a motion for reduction of her sentence pursuant to 18 U.S.C. § 3582(c)(2). The district court denied the motion on November 28, 2007. She then filed a series

*Pursuant to 5th Cir. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.

of motions attempting to force the government to turn over various documents, including a motion to compel discovery. The district court denied all the motions, the last one on October 17, 2008. The defendant then filed a notice of appeal on November 3, 2008. As the district court found, the purported motion in a closed case is "a meaningless, unauthorized motion" with no statutory or legal basis. *United States v. Early*, 27 F.3d 140, 142 (5th Cir. 1994).

AFFIRMED.